

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHNIE WILKERSON,)	
)	
Petitioner,)	
)	
v.)	No. 4:06CV496 RWS
)	
DAVE DORMIRE,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Motion for Relief. The cause was referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b).

On March 21, 2006, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. On May 2, 2006, Petitioner, through his attorney, filed a Motion for Relief, requesting that this Court order the Circuit Attorney and the City of St. Louis Police Department to preserve and retain intact any evidence pertaining to Petitioner's underlying state conviction. On September 18, 2006, the undersigned ordered the Respondent to respond to the motion. On September 28, 2006, the Respondent filed a response, stating that it had no objection to an Order directing the St. Louis City Circuit Attorney's Office to continue maintaining the physical evidence from the underlying criminal case during the pendency of this case.

Accordingly,

IT IS HEREBY ORDERED that the St. Louis City Circuit Attorney's Office shall continue to maintain and preserve the physical evidence from State v. Williams, 001-3668 during the pendency of Petitioner's federal habeas corpus litigation.

/s/ Terry I. Adelman
UNITED STATES MAGISTRATE JUDGE

Dated this 23rd day of October, 2006.